

REMARKS

Claims 1-13 and 16-31 were presented for examination. Applicant notes with appreciation the acceptance of the terminal disclaimer filed with the amendment on May 11, 2007. In the instant office action, claims 1, 2, and 17 are rejected based on 35 U.S.C. § 112 1st paragraph reasons. Claims 1, 2, and 10-16 are rejected under 35 U.S.C. § 102(b) based on Knudson (U.S. Patent No. 4,546,586). Claims 3, and 6-9 are rejected under 35 U.S.C. § 103(a) based on Knudson in view of Nath et al. (U.S. Patent No. 5,092,939). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) based on Knudson in view of Nath et al. and further in view of Francovitch (U.S. Patent No. 4,674,244). Claims 17-27 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson. Claims 28-31 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson and further in view of Heath (U.S. Patent No. 3,992,847).

Claim Rejections - 35 U.S.C. § 112

Claims 1, 2, and 17 are rejected based on 35 U.S.C. § 112, 1st paragraph reasons.

Applicant has amended claims 1 and 17 to more succinctly claim the invention.

Referring to dependent claim 2 and its limitation "a plurality of batten caps and a plurality of clamping strips over said longitudinal engagement point." On page 3 of the instant office action the Examiner states that support is not found in the disclosure. Applicant respectfully disagrees. Support for the limitations of claim 2 is found in the Applicant's originally filed specification. See Application Publication No. US 2004/0173255 A1, Pub. Date Sep. 9, 2004; at the end of [0050] "In an alternative embodiment, a plurality of clamping strips 32 may be incorporated along the length of the engagement point 30"; and at the end of [0051] "In an alternative embodiment, more than one batten cap may be set over the clamping strip(s) and engagement points." Accordingly, Applicant requests the removal of the § 112 rejections.

Applicant has also amended dependent claims 3, 6, 10, 16, 19, 22, and 26 to address antecedent issues. Additionally, Applicant has canceled dependent claims 11, 13, 23, and 25 without prejudice. Accordingly, Applicant submits that the rejections to those claims are now moot. Applicant notes that claims 14 and 15 were canceled without prejudice in the prior amendment submitted to the Office on May 11, 2007. Applicant respectfully requests reconsideration of

pending claims 1-10, 12, 16-22, 24, and 26-31 in view of the foregoing amendments and the following remarks.

Support for the amendments is found in the specification and claims of the originally filed application. Accordingly, Applicant submits that no new matter has been introduced by the foregoing amendments.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 2, 10, 12, and 16 are rejected under 35 U.S.C. § 102(b) based on Knudson (U.S. Patent No. 4,546,586).

Applicant respectfully submits that Knudson does not teach each and every limitation found in amended independent claim 1, and therefore claim 1 is allowable over Knudson. Because Applicant has cancelled claim 11 the rejection to claim 11 is considered moot. Applicant submits that since claims 2, 10, 12, and 16 depend from independent claim 1, claims 2, 10, 12, and 16 are also allowable over Knudson for at least the same reasons as claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found; either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Referring to independent claim 1, as amended, the claim recites a method of mounting a flexible material onto a surface having at least the following limitations: "securing a batten cap over said clamping strip, said batten cap having a curved first surface and a curved second surface, said curved first surface of the batten cap contacting a complementary curved surface of said first web, said curved second surface of the batten cap contacting a complementary curved surface of said second web, wherein the batten cap urges the first and second elongated webs against each other at the engagement point."

In contrast to the fastening device (37) of Knudson, the batten cap (34) of the present application is configured to contact the flexible webs (18A, 18B) to urge them against each other, as recited in amended claim 1 "securing a batten cap over said clamping strip, said batten cap having a curved

first surface and a curved second surface, said curved first surface of the batten cap contacting a complementary curved surface of said first web, said curved second surface of the batten cap contacting a complementary curved surface of said second web, wherein the batten cap urges the first and second elongated webs against each other at the engagement point."

Applicant respectfully disagrees with the Examiner's position on page 4 of the instant office action with respect to the teachings of Knudson "securing a batten cap (38) over the clamping strip (37), wherein the batten cap contacts the first and second elongated webs... (See Figures 1 and 7)", as stated on page 4 of the office action.

The batten cap (38) of Knudson is configured to contact the fastening device (37) in a manner to resist the batten cap from being pulled away from the fastening device in an upward direction. The batten cap of Knudson is not configured to contact panels (11, 12). Figure 4 of Knudson does not show, nor does the specification suggest, the limitation of the batten cap (38) contacting panels (11, 12). Figure 7 of Knudson does not show a batten cap (38) in the Figure. Even if the batten cap (38) from Figure 4 was shown in Figure 7 of Knudson, the batten cap would still not

contact panels (311, 312).

Therefore, because Knudson does not teach each and every limitation of amended independent claim 1, Applicant respectfully submits that claim 1 is allowable over Knudson. Accordingly, Applicant submits that since claims 2, 10, 12, and 16 depend from claim 1, claims 2, 10, 12, and 16 are also allowable over Knudson for at least the same reasons that claim 1 is allowable over Knudson.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 3, and 6-9 are rejected under 35 U.S.C. § 103(a) based on Knudson (U.S. Patent No. 4,556,586) in view of Nath et al. (U.S. Patent No. 5,092,939). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) based on Knudson in view of Nath et al. and in further view of Francovitch (U.S. Patent No. 4,674,244). Claims 17-27 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson. Claims 28-31 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson and further in view of Heath (U.S. Patent No. 3,992,847).

Applicant has canceled dependent claims 11, 13, 23, and 25 without prejudice. Accordingly, Applicant submits that the rejections to those claims are now moot. Applicant respectfully submits that amended independent claim 1 is allowable over Knudson as discussed above. Additionally,

amended claim 1 is allowable over the proposed combinations of Knudson, Nath et al., and Francovitch because the references do not teach or suggest, either individually or in any combination, each and every limitation found in claim 1. Accordingly, since claims 3-9 depend from claim 1, claims 3-9 are also allowable over the references for at least the same reasons as claim 1 is allowable over the references.

Additionally, applicant submits that amended independent claim 17 is allowable over the proposed combinations of Knudson, Nath et al., and Heath because the references do not teach or suggest, either individually or in any combination, each and every limitation found in claim 17. Accordingly, since claims 18-22, 24, and 26-31 depend from claim 17, claims 18-22, 24, and 26-31 are also allowable over the references for at least the same reasons as claim 17 is allowable over the references.

In particular, Applicant respectfully disagrees with the Examiner's positions as stated on page 9 of the instant office action "It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the module of Nath et al. by substituting the clamping strip that can secure abutting flexible webs, using

nylon clamping strip and sheet metal batten cap as taught by Knudson," and on page 10 "Regarding claims 24-25, Nath et al. describe the curved portions of batten cap first side and second sides have arcuate shapes (See Figure 3)."

First, neither reference, Knudson or Nath et al., discloses a batten cap having arcuate shaped surfaces that contact complementary surfaces of flexible webs to urge the webs against each other. Note Knudson clearly discloses that batten cap (38) does not contact panels (11, 12). Nath et al. does not disclose that batten (24) urges flanges (22, 22) of panel (14) against each other, but includes an additional multi-flanged clip (26, 24) that separates the flanges (22, 22) so the flanges of panel (14) cannot contact each other.

Second, the batten (24) of Nath et al. has substantially straight surfaces that contact substantially straight surfaces of the flanges (22) of the panels (14). The surfaces of the batten cap that contact the flanges (22) are not curved or arcuate. Further, the disclosure of Nath et al. clearly only contemplates flanges (22) formed perpendicular to the base portion of the panel (14).

Third, Nath et al. discloses an additional flanged member (26) that separates panels (14) so the flanges (22) of panel (14) cannot be urged against each other.

Fourth, Nath et al. additionally discloses use of a threaded fastener (28) to secure the flanged member (26) to the frame member (30). Applicant submits that without use of fastener (28) flange member (26) would be free to move along the joint.

Fifth, the claims and disclosure of both references only contemplate more rigid, severely bent panel portions to be joined together. The references do not disclose or suggest the more simple methods for joining the flexible webs as disclosed and claimed in the instant application.

Since the references cited in the instant Office Action disclose methods for securing flexible webs that are vastly different compared to the disclosure of the present application, Applicant requests that the examiner state specific items in each of the disclosures of the references and how those items specifically lead to a conclusion that it would be obvious to one having ordinary skill in the art to modify the items to secure the flexible webs on a surface as

disclosed and claimed in the present application.

Therefore, Applicant submits that since none of the cited references, either individually or in any combination, teach or suggest, each and every limitation found in amended independent claims 1 and 17, claims 1 and 17 are allowable over the references. Accordingly, since claims 3-9 depend from claim 1 and claims 18-22, 24, and 26-31 depend from claim 17, Applicant submits that claims 3-9, 18-22, 24, and 26-31 are also allowable over the proposed combinations of references for at least the same reasons why the respective independent claims (1 and 17) are allowable over the references.

Summary

Applicant has addressed the § 112 rejections hereinabove. Applicant submits that Claim 1 overcomes the § 102(b) rejections based on Knudson. Accordingly, dependent claims 2, 10, 12, and 16 are also allowable over the reference.

Applicant submits that claims 1 and 17 overcome the proposed combinations of § 103(a) references. Accordingly, dependent claims 18-22, 24, and 26-31 are also allowable over

the references.

Additionally, this response to the Final Office Action is being submitted with a Request for Continued Examination (RCE) for the instant application under 37 C.F.R. 1.114.

It is believed that the foregoing amendments and remarks are fully responsive to the Final office Action dated August 8, 2007. Accordingly, reconsideration and allowance of the present application are requested.

If there are any additional charges with respect to this amendment or otherwise concerning this application, please charge them to Deposit Account No. 05-1068.

Respectfully submitted,

By 

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